

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARVILLE PAYNE,

Defendant.

Case No. 19-CR-120-4-JPS

ORDER

The defendant has been charged in three counts of a nine-count Indictment, which alleges violations of 18 U.S.C. §§ 924(c)(1)(A)(i), 924(c)(1)(B)(ii), 1951(a), and 2, and 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846. (Docket #1). On December 9, 2019, the parties filed a plea agreement indicating that the defendant agreed to plead guilty to Counts One and Two of the Indictment. (Docket #221).

The parties appeared before Magistrate Judge William E. Duffin on December 18, 2019, to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #262). The defendant entered a plea of guilty as to Counts One and Two of the Indictment. *Id.* After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Duffin determined that the guilty plea was knowing and voluntary, and that the offenses charged were supported by independent factual bases containing each of the essential elements of the offenses. (Docket #262 and #263).

Thereafter, Magistrate Judge Duffin filed a Report and Recommendation with this Court, recommending that: (1) the defendant's

plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) the defendant be adjudicated guilty and have a sentence imposed accordingly. (Docket #263). Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rules of Criminal Procedure 59(b) or 72(b) if applicable, the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation.

To date, no party has filed such an objection.

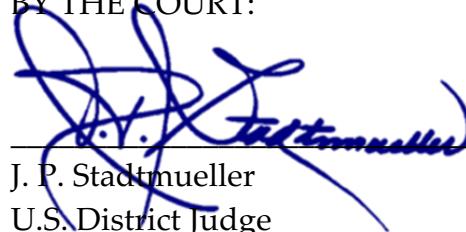
The Court has considered Magistrate Judge Duffin's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

IT IS ORDERED that Magistrate Judge William E. Duffin's report and recommendation (Docket #263) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 22nd day of January, 2020.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge